

ENTERED

September 29, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION


ARELI GONZALEZ, Individually and as
Next Friend of A.G., a Minor,

Plaintiffs,

VS.

LONNIE PRICE GRONER and
 STEELMAN TRANSPORTATION,
 INC.,

Defendants.



CIVIL ACTION NO. 7:21-CV-0206

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the matter of the approval of a proposed settlement as it pertains to the minor plaintiff in this case, which matter had been referred to the Magistrate Court for a hearing and report and recommendation. On September 2, 2022, the Magistrate Court issued the Report and Recommendation, recommending that the settlement be approved. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, the proposed settlement is hereby **APPROVED** as to the minor plaintiff, A.G., such that the following is hereby **ORDERED**:

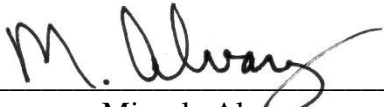
¹ As noted by the Fifth Circuit, “[t]he advisory committee’s note to Rule 72(b) states that, ‘[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’ ” *Douglas v. United States Service Auto. Ass’n*, 79 F.3d 145, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee’s note (1983)) *superseded by statute on other grounds by* 28 U.S.C. § 636(b)(1), *as stated in ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at *7 n. 5 (5th Cir. April 2, 2012).

1. Attorney Kristen Lamar Vela of RAMÓN WORTHINGTON NICOLAS & CANTU, P.L.L.C., as Guardian Ad Litem, is authorized to execute a release of A.G.'s claims to the extent called for by the settlement agreement;
2. Out of the sum of \$15,000 for the settlement of A.G.'s claims, the sum of **\$8,562.55** will be paid into the Registry of the Court for deposit into an interest-bearing account for the benefit of A.G., such that A.G. will be free to petition for release of the funds upon reaching the age of majority, or 18 years of age;
3. Defendants will pay the sum of **\$1,890.00** as a reasonable and necessary fee for the Guardian Ad Litem services performed by Attorney Vela, who is now discharged from any further duties in this case.

As the parties have now filed agreed settlement documentation, a separate final judgment in accordance with Federal Rule of Civil Procedure 58(a) will follow.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 29th day of September 2022.



Micaela Alvarez
United States District Judge